



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Boyle, William J.

Serial No.: 09/211,297

Group Art Unit No.: 1646

Filed: December 14, 1998

Examiner: Draper, G.

For: Osteoprotegerin Binding Proteins

Docket No.: A-451F

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This Information Disclosure Statement is being filed after three months of the filing date of this national application or the date of entry of the national stage as set forth in § 1.491 in an international application or after the mailing date of the first Office action on the merits, whichever event occurred last, but **before** the mailing date of either: (1) a final action under § 1.113 or (2) a notice of allowance under § 1.311, whichever occurs first.

Applicant wishes to disclose and make of record in this application the following information.

1. The present application, U.S. Serial No. 09/211,297, is a continuation of U.S. Serial No. 08/880,855, filed June 23, 1997, which is a continuation-in-part of U.S. Serial No. 08/842,842 filed April 16, 1997, which matured to U.S. Patent No. 5,843,678 on December 1, 1998.

2. On June 4, 1999, patent interference no. 104,336 was declared between Boyle (junior party) and Gorman et al. (senior party). The involved patents and applications for junior party Boyle were U.S. Patent No. 5,843,678 and U.S. Serial No. 08/880,855.

3. Two counts were included in interference no. 104,336. The claims corresponding to count I were Claims 1-15 of the '678 patent, which corresponded to Claims 3, 14-21, 25, 29, 30, 34, 35 and 36 of the '842 application and are directed to polypeptides. The claims corresponding to count II were Claims 1, 2, 4-7, 9-15 and 37 in the '855 application and are directed to nucleic acids.

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being facsimile transmitted to the United States Patent and Trademark Office on the date shown below:

February 13, 2001

Date

D. Diller


4. On June 28, 2000, The Board of Patent Appeals and Interferences granted a request by junior party Boyle requesting entry of adverse judgment. Accordingly, the Board awarded priority as to both counts in interference against junior party Boyle. A copy of this judgment is attached hereto as Exhibit A.

5. In the present application, Applicant has cancelled Claims 1-36 of the '855 application without prejudice and added Claims 37-47 directed to an antibody composition.

Applicant requests consideration of this information by the Examiner.

The Commissioner is hereby authorized to charge any additional fees which may be required or credit any overpayment to Deposit Account No. 01-0519 in the name of Amgen Inc. An original and one copy of this paper are enclosed.

Respectfully submitted,



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Please send all future correspondence to:

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